

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2012-115-C

IN RE:)
)
Petition of the Office of Regulatory Staff)
for Adoption of FCC Mandated Changes) **PETITION TO INTERVENE**
to Lifeline and Link Up and for)
Expedited Relief)

Petitioner Budget Prepay, Inc., d/b/a Budget Phone (“Budget Phone” or “Petitioner”), by its undersigned attorneys, hereby petitions the South Carolina Public Service Commission (the “Commission”), pursuant to Rule 103-825 of the Commission’s Rules, for an order allowing Budget Phone to intervene in the above Docket, with full rights to participate as a party of record. In support of its petition, Budget Phone would show the Commission the following:

1. On February 6, 2012, the FCC issued an order modifying 47 C.F.R. § 54.101. of the FCC's rules concerning Lifeline and Link Up service. See In the Matter of Lifeline and Link Up Reform and Modernization, FCC 12-11 (rel. Feb. 6, 2012) ("Lifeline Reform Order").
2. In light of the FCC's Lifeline Reform Order, on March 19, 2012, the Office of Regulatory Staff brought a petition in the above captioned docket requesting 1) guidance from the Commission as to whether \$3.50 in state Lifeline support should continue to be provided, 2)

adoption of new consumer eligibility criteria, and 3) a requirement for ETCs that have tariffs, guidebooks or pricelists to modify them by April 2, 2012.

3. On March 28, 2012, the Commission issued its directive ordering all Eligible Telecommunications Carriers (“ETCs”) to use the FCC mandated requirements for determining Lifeline eligibility and to utilize gross household income of no higher than 135% of Federal Poverty Guidelines as an eligibility requirement. The directive also ordered all ETCs that maintain tariffs that are subject to the Commission’s jurisdiction to make tariff filings reflecting elimination of Linkup and the other mandated eligibility requirements by April 2, 2012. Furthermore, the directive stated that all ETCs that maintain guidebooks or price lists comply with the Lifeline Reform Order by April 2, 2012.

4. Petitioner was designated as an ETC on January 19, 2010 in Commission Docket No. 2009-276-C through Order No. 2010-25. Furthermore, Petitioner filed an Application with the Commission for designation as a non-rural wireless ETC on July 21, 2011, which is still pending at the Commission. Petitioner has a direct interest in any order or regulation which the Commission may issue regarding the provision of Lifeline service in South Carolina and the state's regulation of ETCs.

5. Petitioner’s authorized representative in this proceeding is:

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6. Budget Phone asserts that the granting of its Petition to Intervene will not in any way delay the proceedings in this Docket. Moreover, counsel for Budget Phone has discussed the Petitioner's intervention with counsel for the South Carolina Office of Regulatory Staff, and the ORS has indicated that it does not object to Budget Phone's participation.

WHEREFORE, Budget Phone prays for the Commission to:

- a. Grant this Petition to Intervene and make Petitioner a party of record in Docket No. 2012-115-C, allowing Petitioner to participate fully and take such positions as it deems advisable; and
- b. Grant such other relief as the Commission deems just and proper.

Respectfully submitted,

ELLIS, LAWHORNE & SIMS, P.A.

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April 10, 2012
Columbia, South Carolina

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2012-115-C**

IN RE:)
)
Petition of the Office of Regulatory)
Staff for Adoption of FCC Mandated) **CERTIFICATE OF SERVICE**
Changes to Lifeline and Link Up and for)
Expedited Relief)

This is to certify that I have caused to be served this day, the **Petition to Intervene** filed by Budget Prepay, Inc., d/b/a Budget Phone, by placing a copy of same in the care and custody of the United States Postal Service (unless otherwise specified), with proper first-class postage affixed hereto and addressed as follows:

VIA ELECTRONIC & 1ST CLASS MAIL SERVICE

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s/ Carol Roof
Carol Roof
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April 10, 2012
Columbia, South Carolina